

109TH CONGRESS  
1ST SESSION

**H. R.** \_\_\_\_\_

To reauthorize the United States Grain Standards Act, to facilitate the official inspection at export port locations of grain required or authorized to be inspected under such Act, and for other purposes

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IN THE HOUSE OF REPRESENTATIVES

Mr. MORAN of Kansas introduced the following bill; which was referred to the Committee on \_\_\_\_\_

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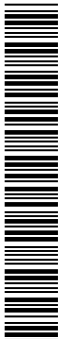
**A BILL**

To reauthorize the United States Grain Standards Act, to facilitate the official inspection at export port locations of grain required or authorized to be inspected under such Act, and for other purposes

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. REAUTHORIZATION OF UNITED STATES GRAIN**  
4       **STANDARDS ACT.**

5       (a) INSPECTION AND SUPERVISORY FEES.—Section  
6       7(j)(4) of the United States Grain Standards Act (7  
7       U.S.C. 79(j)(4)) is amended by striking “September 30,  
8       2005” and inserting “September 30, 2010”.



1 (b) WEIGHING AND SUPERVISORY FEES.—Section  
2 7A(l)(3) of such Act (7 U.S.C. 79a(l)(3)) is amended by  
3 striking “September 30, 2005” and inserting “September  
4 30, 2010”.

5 (c) LIMITATION ON ADMINISTRATIVE AND SUPER-  
6 VISORY COSTS.—Section 7D of such Act (7 U.S.C. 79d)  
7 is amended by striking “2005” and inserting “2010”.

8 (d) AUTHORIZATION OF APPROPRIATIONS.—Section  
9 19 of such Act (7 U.S.C. 87h) is amended by striking  
10 “2005” and inserting “2010”.

11 (e) ADVISORY COMMITTEE.—Section 21(e) of such  
12 Act (7 U.S.C. 87j) is amended by striking “September 30,  
13 2005” and inserting “September 30, 2010”.

14 (f) EFFECTIVE DATE.—The amendments made by  
15 this section shall take effect as of September 30, 2005.

16 **SEC. 2. PERFORMANCE OF OFFICIAL INSPECTION AND**  
17 **WEIGHING ACTIVITIES AT EXPORT PORT LO-**  
18 **CATIONS OF GRAIN UNDER UNITED STATES**  
19 **GRAIN STANDARDS ACT.**

20 (a) OFFICIAL INSPECTION AUTHORITY AND FUND-  
21 ING.—Section 7 of the United States Grain Standards Act  
22 (7 U.S.C. 79) is amended—

23 (1) in subsection (e)—



1 (A) by striking “(e)(1) Except as otherwise  
2 provided in paragraph (2) of this subsection”  
3 and inserting the following:

4 “(e) OFFICIAL INSPECTION AT EXPORT PORT LOCA-  
5 TIONS; USE OF STATE AGENCIES AND PRIVATE ENTI-  
6 TIES.—

7 “(1) IN GENERAL.—Except as otherwise pro-  
8 vided in paragraphs (2) and (3)”; and

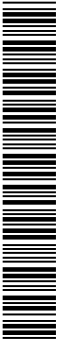
9 (B) by striking paragraph (3) and insert-  
10 ing the following:

11 “(3) USE OF PRIVATE ENTITIES.—

12 “(A) IN GENERAL.—If the Secretary deter-  
13 mines that a person or private entity is quali-  
14 fied to perform official inspection and meets the  
15 criteria of subsection (f)(1)(A), the Secretary  
16 may use the person or private entity to perform  
17 all or specified functions involved in official in-  
18 spection (other than appeal inspection and such  
19 other functions as may be specified in the regu-  
20 lations prescribed under subparagraph (B)) at  
21 export port locations.

22 “(B) REQUIREMENTS.—

23 “(i) REGULATIONS.—A person or pri-  
24 vate entity described in subparagraph (A)  
25 shall be subject to such rules, regulations,



1 instructions, and oversight as the Sec-  
2 retary may prescribe.

3 “(ii) RESPONSIBILITY OF SEC-  
4 RETARY.—Notwithstanding the use of per-  
5 sons or private entities to perform specified  
6 functions involved in official inspections at  
7 export port locations, official inspection  
8 shall continue to be the direct responsi-  
9 bility of the Secretary.

10 “(C) TERMINATION.—The use of a person  
11 or private entity to perform official inspections  
12 at an export port location under subparagraph  
13 (A)—

14 “(i) shall terminate at the such time  
15 as specified by the Secretary, but not later  
16 than the date that is three years after the  
17 date of the initial performance of official  
18 inspections by the person or private entity  
19 at the export port location; and

20 “(ii) may be terminated by the Sec-  
21 retary, at the discretion of the Secretary,  
22 at any time after notice to the person or  
23 private entity without opportunity for a  
24 hearing.



1           “(D) RENEWAL.—The use of a person or  
2           private entity to perform official inspections at  
3           an export port location under subparagraph (A)  
4           may be renewed in accordance with the regula-  
5           tions prescribed under subparagraph (B).

6           “(E) REPORTING REQUIREMENT.—Not  
7           later than February 15 of each even-numbered  
8           year, the Secretary shall submit to Congress a  
9           report detailing the Secretary’s use of the au-  
10          thority provided by subparagraph (A), during  
11          the preceding two-year period, to contract with  
12          persons or private entities to perform official in-  
13          spections at export port locations. Each report  
14          shall identify each export port location at which  
15          the persons and private entities are used, the  
16          number of official inspection personnel utilized,  
17          and the types of official inspection and official  
18          weighing functions performed.”;

19          (2) in subsection (f)—

20                  (A) in paragraph (1)—

21                          (i) in the matter preceding subpara-  
22                          graph (A)—

23                                  (I) by inserting “or private enti-  
24                                  ty” after “or any person”; and



1 (II) by striking “or person” and  
2 inserting “, person, or private entity”;  
3 and

4 (ii) in the matter preceding clause (i)  
5 of subparagraph (A), by striking “or per-  
6 son” each place it appears and inserting “,  
7 person, or private entity”; and

8 (B) in paragraph (4), by striking “or per-  
9 son” and inserting “, person, or private entity”;  
10 and

11 (3) in subsection (j)—

12 (A) in the first sentence of paragraph (2),  
13 by inserting “and private entity” after “each  
14 State agency”; and

15 (B) in the first sentence of paragraph (4),  
16 by striking “and State agencies” and inserting  
17 “and delegated State agencies and private enti-  
18 ties”.

19 (b) WEIGHING AUTHORITY.—Section 7A of the  
20 United States Grain Standards Act (7 U.S.C. 79a) is  
21 amended—

22 (1) in subsection (c)(2)—

23 (A) in the first sentence—

24 (i) by inserting “or private entity”  
25 after “to the State agency”; and



1 (ii) by striking “agency or person”  
2 each place it appears and inserting “agen-  
3 cy, private entity, or person”; and

4 (B) in the second sentence—

5 (i) by striking “agency or person”  
6 each place it appears and inserting “agen-  
7 cy, private entity, or person”;

8 (ii) by inserting “or private entity”  
9 after “any person”; and

10 (iii) by striking “agency, or person”  
11 and inserting “agency, private entity, or  
12 person”;

13 (2) in subsection (h), by striking “agency or  
14 person” and inserting “agency, private entity, or  
15 person”;

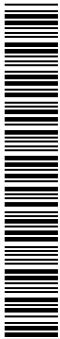
16 (3) in subsection (i)—

17 (A) in paragraph (1), by striking “agency  
18 or person” and inserting “agency, private enti-  
19 ty, or person”; and

20 (B) in paragraph (2), by striking “or State  
21 agency” and inserting “, State agency, or pri-  
22 vate entity”; and

23 (4) in subsection (l)—

24 (A) in the first sentence of paragraph  
25 (2)—



1 (i) by striking “Each agency” and in-  
2 serting “Each agency or private entity”;

3 (ii) by inserting “, private entity,”  
4 after “each agency”;

5 (iii) by inserting “or private entity”  
6 after “the agency”; and

7 (iv) by inserting “and private entities”  
8 after “such agencies”; and

9 (B) in paragraph (3)—

10 (i) in the first sentence, by inserting  
11 “, private entities,” after “on agencies”;  
12 and

13 (ii) in the second sentence, by insert-  
14 ing “or private entity” after “by a State”.

15 (c) LICENSES AND AUTHORIZATIONS.—Section 8(g)  
16 of the United States Grain Standards Act (7 U.S.C.  
17 84(g)) is amended—

18 (1) by inserting “or private entities” after  
19 “State agencies”; and

20 (2) by inserting “or private entities” after “all  
21 persons”.

22 **SEC. 3. INAPPLICABILITY OF GEOGRAPHIC BOUNDARIES**  
23 **FOR DESIGNATED OFFICIAL AGENCIES.**

24 (a) OFFICIAL INSPECTION.—Subsection (f) of section  
25 7 of such Act (7 U.S.C. 79) is amended—



1           (1) in paragraph (2), by striking “Not more  
2           than one official agency designated under paragraph  
3           (1) or State delegated authority under subsection  
4           (e)(2)” and inserting “Subject to paragraph (5), not  
5           more than one official agency designated under  
6           paragraph (1)”; and

7           (2) by adding at the end the following new  
8           paragraph:

9           “(5) The geographic boundary limitations applicable  
10          to official agencies under paragraph (2) do not apply to  
11          export port locations, and the Secretary may use more  
12          than one person or private entity selected under subsection  
13          (e)(3) to perform official inspections at an export port lo-  
14          cation.”.

15          (b) OFFICIAL WEIGHING.—Subsection (i) of section  
16          7A of such Act (7 U.S.C. 79a) is amended—

17               (1) in paragraph (2), by striking “Not more  
18               than one designated official agency referred to in  
19               paragraph (1) or State agency delegated authority  
20               pursuant to subsection (c)(2)” and inserting “Sub-  
21               ject to paragraph (3), not more than one designated  
22               official agency referred to in paragraph (1)”; and

23               (2) by adding at the end the following new  
24               paragraph:



1           “(3) INAPPLICABILITY OF GEOGRAPHIC BOUND-  
2       ARIES TO EXPORT PORT LOCATIONS.—The geo-  
3       graphic boundary limitations applicable to des-  
4       ignated official agencies under paragraph (2) do not  
5       apply to export port locations, and the Secretary  
6       may assign more than one designated person or pri-  
7       vate entity to perform official weighing at an export  
8       port location.”.

